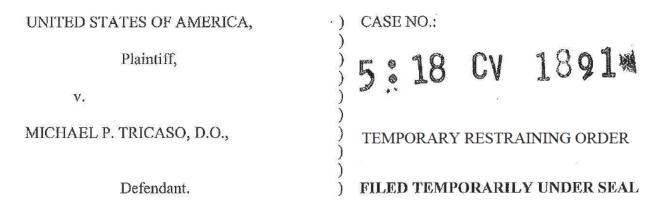
IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION



This matter comes before the Court upon Plaintiff's *Ex Parte* Motion for a Temporary Restraining Order ("*Ex Parte* Motion"). Upon consideration of the *Ex Parte* Motion pursuant to Federal Rule of Civil Procedure 65(b), 21 U.S.C. §§ 843(f) and 882(a), the Memorandum of Law in Support, the Affidavit in Support, and the Complaint, the Court finds that:

- 1. The United States has demonstrated that Defendant Michael P. Tricaso, D.O., ("Dr. Tricaso") violated the Controlled Substances Act ("CSA"), 21 U.S.C. §§ 829, 841(a)(1) and 842(a)(1);
- 2. The United States also has demonstrated that advance notice to Dr. Tricaso will result in immediate and irreparable injury, loss, or damage, namely: (a) harm to Dr. Tricaso's patients and the community from Dr. Tricaso's continued distributing and dispensing of

Case: 5:18-cv-01891-SL Doc #: 6 Filed: 08/17/18 2 of 2. PageID #: 223

controlled substances; (b) harm to Dr. Tricaso's patients and the community from Dr. Tricaso's

continued issuance of unlawful prescriptions; and (c) the destruction of evidence, including

patient files and communications, related to Dr. Tricaso's CSA violations;

3. Injunctive relief to prevent further CSA violations by Dr. Tricaso and to protect the

public is authorized by 21 U.S.C. §§ 843(f) and 882(a).

4. Dr. Tricaso's CSA violations will continue unless a temporary restraining order is

issued.

5.

The conditions for granting a temporary restraining order under Federal Rule of

Civil Procedure 65(b) and 21 U.S.C. §§ 843(f) and 882(a) are therefore met;

Based on the foregoing, it is therefore

ORDERED AND ADJUDGED as follows:

A. The Motion is **GRANTED** without prior notice to Dr. Tricaso.

B. Dr. Tricaso is temporarily restrained from distributing or dispensing, including by

prescribing, any controlled substance.

C. Dr. Tricaso is temporarily restrained from prescribing any and all controlled

substances.

D. Dr. Tricaso is temporarily restrained from altering, deleting, destroying, mutilating,

or transferring any record within his possession, custody or control related to: (1) the issuance of

any prescription for a controlled substance; or (2) the treatment of a patient with a controlled

substance.

Dated: August 17, 2018

HONORABLE SARA LIOI

UNITED STATES DISTRICT JUDGE

2